IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

OP.No. 17845 of 2001(Y)

PETITIONER:

TATA TEA LIMITED, MUNNAR,
REP.BY ITS CONSTITUTED ATTORNEY
MR.P.G.PRAKASH SANKER

BY ADV. SRI.ANTONY DOMINIC
SRI.E.K.NANDAKUMAR

RESPONDENTS:
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1. **THE SECRETARY, NATIONAL UNION OF PLANTATION STAFF (AITUC) MUNNAR**

2. **THE INDUSTRIAL TRIBUNAL, IDUKKI.**

BY AD. SRI.V.V.SURESH

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

O.P.No.17845 OF 2001

Dated this the 7th day of December, 2006

J U D G M E N T

Ext.P10 interim order passed by the Industrial Tribunal, Idukki in I.D.No.34/1999 refusing an amendment of the written statement is under challenge. The simple question is whether Exts.P1 and P2 would amount to settlement under the provisions of the Industrial Disputes Act, 1947 or not. That issue being part of the issue referred for adjudication, it cannot be said that the amendment sought by the petitioner cannot be permitted on the ground that the petitioner had admitted the same as settlement earlier, in the original statement. Merely because an expression as settlement is used in the written statement, it cannot be said that the petitioner does not have any right to challenge the validity of the same and test as to whether the same is settlement or not under the provisions of the Industrial Disputes Act, 1947. It is only in the interest of the workman that the adjudication is not unnecessarily held up. I quash Ext.P10. The petition for amendment as per Ext.P8 shall stand allowed. However, it is made clear that it will be open to the 1st respondent to amend the

pleadings, if so required, in the light of the development as above.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ps

KURIAN JOSEPH, J.

O.P.No.17845/2001

JUDGMENT

7th December, 2006